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10/661,504	09/15/2003	Takaaki Sugiyama	117140	7408

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EXAMINER

CHEN, QING

ART UNIT	PAPER NUMBER
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2191

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/661,504

Applicant(s)

SUGIYAMA, TAKAAKI

Examiner

Qing Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is in response to the RCE filed on January 4, 2008.
2. **Claims 1 and 4-10** are pending.
3. **Claims 1 and 7** have been amended.
4. **Claims 2 and 3** have been cancelled.

Response to Amendment

Claim Objections

5. **Claims 1 and 4-10** are objected to because of the following informalities:
 - **Claims 1 and 7** recite the limitations “the services,” “the restriction table,” and “the table.” Applicant is advised to change these limitations to read “the plural services” and “the restriction value table,” respectively, for the purpose of providing them with proper explicit antecedent basis.
 - **Claims 4-6** depend on Claim 1 and, therefore, suffer the same deficiency as Claim 1.
 - **Claims 8-10** depend on Claim 7 and, therefore, suffer the same deficiency as Claim 7.
 - **Claims 9 and 10** recite the limitation “the service acquisition step.” Applicant is advised to change this limitation to read “the plural services acquisition step” for the purpose of providing it with proper explicit antecedent basis.Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 7-10** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitations “the service acquisition unit” and “the retrieval unit.”

There are insufficient antecedent bases for these limitations in the claim. In the interest of compact prosecution, the Examiner subsequently interprets these limitations as reading “a service acquisition unit” and “a retrieval unit,” respectively, for the purpose of further examination.

Claims 8-10 depend on Claim 7 and, therefore, suffer the same deficiency as Claim 7.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. **Claims 1 and 4-6** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1 and 4-6 are directed to devices. However, the recited components of the devices appear to lack the necessary physical components (hardware) to constitute a machine or manufacture under § 101. Therefore, these claim limitations can be reasonably interpreted as computer program modules—software *per se*. The claims are directed to functional descriptive material *per se*, and hence non-statutory.

The claims constitute computer programs representing computer listings *per se*. Such descriptions or expressions of the programs are not physical “things.” They are neither computer components nor statutory processes, as they are not “acts” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program’s functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element, which defines structural and functional interrelationships between the computer program and the rest of the computer, that permits the computer program’s functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. **Claims 1 and 4-10** are rejected under 35 U.S.C. 102(b) as being anticipated by US **2002/0052796** (hereinafter “**Tadokoro**”).

As per **Claim 1**, Tadokoro discloses:

- a service acquisition unit that acquires plural services available to a user by using user information, wherein the user information includes the present state of the user at the time a service is executed, and is updated each time the service is executed, the present state of the user being determined by the content of a restriction value table which indicates the plural services available to a user and the values of the user information is checked against the values of the restriction value table (*see Figure 4: 301; Figures 6 and 8; Paragraph [0056], “Each user, who is a customer of services provided by the systems in this embodiment can access the service providing system 101 by executing the service access program 311, e.g. browser, in his/her service access apparatus so as to receive a desired service therefrom.”; Paragraph [0059], “The system in this embodiment further enables the user of a service access apparatus 301, which is a customer of the system, to use the services of a company cooperated with the service providing company that operates this service providing system 101 in addition to the services provided by the service providing system 101.” and “... the user can receive a service of the cooperated company just like a service provided from the service providing system 101 without knowing the difference.”; Paragraph [0063], “FIG. 6 is a configuration of the service*

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information classified by user 132 stored in the data memory 117 of the service providing system 101. The service information classified by user 132 is a table for storing information denoting services accessible, i.e., allowed for use by the user. The service information classified by user 132 includes fields of user code 601, service code 602, service name 603, service user code 604, and service user name 605.”; Paragraph [0068], “The common information of state 134 is a table for storing information related to the services (including not only common services, but also services classified by area and by cooperated company) used by all the users. The common information of state 134 includes fields of user code 801, service code 802, cooperated company user code 803, state code 804, and service providing time 805.”; Paragraph [0069], “The state code 804 stores the various states that occur when the user uses a service. For example, the state code 804 stores such states as login and logout, or start and end.”);

- a cooperation instruction information creation unit that creates the cooperation instruction information by using the plural services acquired by the service acquisition unit (*see Figure 4: 311*);

- a retrieval unit that retrieves a service (*see Figure 4: 101*); and
- a display unit that displays a service list, the service list including a list of services available to the user which the user can use at present (*see Figure 3: 317; Figure 12; Paragraph [0077], “FIG. 12 shows an example of the screen svc01 for starting the common service to be displayed on the display block 317 of the service access apparatus 301.”; Paragraph [0079], “In FIG. 12, numeral 1220 denotes the common service announcement field and 1230 denotes the service announcement field classified by area.”*),

- wherein the service acquisition unit transmits user information and makes a retrieval request for a service available to the user to the retrieval unit, and acquires plural services available to the user in response to the retrieval request (*see Figure 12; Paragraph [0076], "The service access program 321 then sends the user code and the password entered by the user to the management of common service 121 (Sa30 in FIG. 18). Checking the user code and the password, the management of common service 121 displays the screen svc01 for starting the common service (Sa40 in FIG. 18)."*),

- wherein when the retrieval request is issued from the service acquisition unit, the retrieval unit checks the user information against the restriction value table expressing restrictions on execution of the service stored in a service processing device, and retrieves plural services available to the user based on the restriction value table (*see Paragraph [0091], "Then, the system reads the user information 131 described with reference to FIG. 5 in step Sa31 so as to check whether or not the user code and the password entered by the user in step Sa32-1 are identical to those registered in the user information 131."; Paragraph [0092], "When the user code and the password are correct, the system reads the service information classified by user 132 described in reference to FIG. 6 in step Sa33. After that, the system checks whether or not the service code specified by the user at the login time is registered in the service information classified by user 132 in step Sa32-2 (that is, whether or not the user is enabled to use the service)."; Paragraph [0093], "After that, the system displays the service code svc01 screen shown in FIG. 12 in step Sa40."*), and

- wherein each of the plural services performs a specific processing on document data (*see Figure 12*).

As per **Claim 4**, the rejection of **Claim 1** is incorporated; and Tadokoro further discloses:

- an inquiry unit that inquires of respective service processing devices each storing a restriction value table expressing restrictions on execution of services, by transmitting user information, as to whether the user can use the services of the respective service processing devices (*see Figure 4: 301; Figure 10; Paragraph [0059], “The system in this embodiment further enables the user of a service access apparatus 301, which is a customer of the system, to use the services of a company cooperated with the service providing company that operates this service providing system 101 in addition to the services provided by the service providing system 101.”; Paragraph [0072], “FIG. 10 is a configuration of the user information of cooperated company 231 stored in the data memory 217 of the service providing system 101. The user information of cooperated company 231 is a table for storing preset items of user code and password with which the service providing system of cooperated company 201 accepts an access. The user information of cooperated company 231 includes fields of user code of cooperated company 1001, password of cooperated company 1002, account holder code of cooperated company 1003, and account holder name of cooperated company 1004.”*),
- wherein the service acquisition unit acquires the plural services on the basis of an inquiry result of the inquiry unit (*see Paragraph [0056], “Each user, who is a customer of services provided by the systems in this embodiment can access the service providing system 101 by executing the service access program 311, e.g. browser, in his/her service access apparatus so as to receive a desired service therefrom.”; Paragraph [0059], “The system in this embodiment further enables the user of a service access apparatus 301, which is a customer of*

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the system, to use the services of a company cooperated with the service providing company that operates this service providing system 101 in addition to the services provided by the service providing system 101.”).

As per **Claim 5**, the rejection of **Claim 1** is incorporated; and Tadokoro further discloses:

- wherein the service acquisition unit acquires a service available to the user for each of functions constituting a job flow (*see Figures 18-20 and 25*).

As per **Claim 6**, the rejection of **Claim 5** is incorporated; and Tadokoro further discloses:

- wherein the service acquisition unit acquires a service having minimum restrictions for each of the functions constituting the job flow, and the cooperation instruction information creation unit creates the cooperation instruction information by associating the respective plural services acquired by the service acquisition unit with the respective functions constituting the job flow (*see Figures 18-20 and 25*).

Claim 7 is a cooperation instruction information creation method claim corresponding to the cooperation instruction information creation device claim above (Claim 1) and, therefore, is rejected for the same reason set forth in the rejection of Claim 1.

As per **Claim 8**, the rejection of **Claim 7** is incorporated; and Tadokoro further discloses:

- wherein in the cooperation instruction information creation step, services constituting a job flow are selected from the acquired plural services, and the cooperation instruction

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information is created by using the selected services (*see Figures 18-20 and 25; Paragraph [0056], "Each user, who is a customer of services provided by the systems in this embodiment can access the service providing system 101 by executing the service access program 311, e.g. browser, in his/her service access apparatus so as to receive a desired service therefrom.";* Paragraph [0059], *"The system in this embodiment further enables the user of a service access apparatus 301, which is a customer of the system, to use the services of a company cooperated with the service providing company that operates this service providing system 101 in addition to the services provided by the service providing system 101."*).

As per **Claim 9**, the rejection of **Claim 7** is incorporated; and Tadokoro further discloses:

- wherein in the plural services acquisition step, the service available to the user is acquired for each of functions constituting a job flow (*see Figures 18-20 and 25*).

As per **Claim 10**, the rejection of **Claim 9** is incorporated; and Tadokoro further discloses:

- wherein in the plural services acquisition step, a service having minimum restrictions is acquired for each of the functions constituting the job flow (*see Figures 18-20 and 25*).

Response to Arguments

12. Applicant's arguments filed on January 4, 2008 have been fully considered, but they are not persuasive.

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In the Remarks, Applicant argues:

a) Tadokoro teaches that the common information of state 134 is a table for storing information related to the services (including not only common services, but services classified by area and by cooperated company) used by all the users (Paragraph [0068]). According to Tadokoro, the common information of state 134 includes fields of user code 801, service code 802, corporated company user code 803, state code 804, and service providing time 805 (Paragraph [0069]). Thus, Tadokoro's table stores information related to services. Therefore, Tadokoro fails to disclose or suggest that the present state of the user is being determined by the content of a restriction value table which indicates the services available to a user and that the values of the user information is checked against the values of the restriction table, where retrieved services are based on the table, as recited in independent claims 1 and 7.

Examiner's response:

a) Examiner disagrees. Tadokoro clearly discloses “the present state of the user being determined by the content of a restriction value table which indicates the plural services available to a user and the values of the user information is checked against the values of the restriction value table” (*see Figures 6 and 8; Paragraph [0063], “FIG. 6 is a configuration of the service information classified by user 132 stored in the data memory 117 of the service providing system 101. The service information classified by user 132 is a table for storing information denoting services accessible, i.e., allowed for use by the user. The service information classified by user 132 includes fields of user code 601, service code 602, service name 603, service user code 604,*

and service user name 605.”). Note that Figure 6 of Tadokoro clearly illustrates a restriction table denoting the services available to each user.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Qing Chen whose telephone number is 571-270-1071. The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 4:00 PM. The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wei Zhen, can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Wei Zhen/

Supervisory Patent Examiner, Art Unit 2191